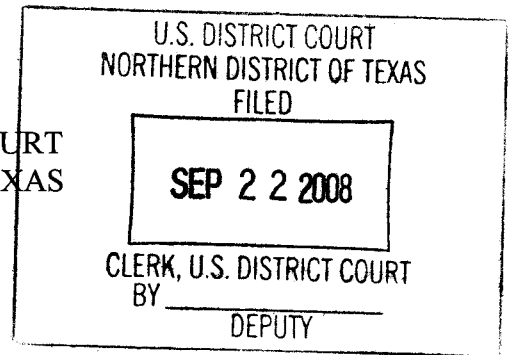


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



KARL SHACKELFORD,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:08-CV-0067

**ORDER OVERRULING OBJECTIONS, ADOPTING REPORT
AND RECOMMENDATION, DENYING PETITIONER'S
MOTION TO PROCEED IN FORMA PAUPERIS,
AND DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came this day for consideration the petition for a writ of habeas corpus filed by petitioner KARL SHACKELFORD. On August 15, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's motion to proceed *in forma pauperis* be denied, and that petitioner's application for a writ of habeas corpus be dismissed. On August 22, 2008, petitioner filed objections in which he asserted there was a hold on his prison trust account. By Order issued August 29, 2008, petitioner was given leave to provide evidence of the alleged hold on his account, such as a new in forma pauperis data sheet reflecting such hold a letter from prison officials stating such a hold exists. On September 17, 2008, petitioner submitted his Response and a new application for leave to proceed in forma pauperis. By his response, petitioner points to a \$20.00 withdrawal and a notation that he owed a federal court fee of \$652.13 on his March 31, 2008 Inmate Trust Fund Statement, submitted as Exhibit 1 to his Response. Petitioner further points to his July 31, 2008 Inmate Trust Fund

Statement, also submitted, and the notation that he owes a \$632.13 federal court fee. Although petitioner also appears to reference a new I.F.P. Data Sheet, none is attached to his Response or to the contemporaneously filed Application to Proceed In Forma Pauperis.

None of the documents submitted by petitioner shows the existence of a hold on his trust account. Instead, plaintiff has merely shown that he owes over \$600.00 in federal court fees which are being deducted in accordance with the provisions of the Prison Litigation Reform Act. Further, the July 31, 2008 Inmate Trust Fund Statement he has produced, like the In Forma Pauperis Data Sheet he provided with his July 22, 2008 Application to Proceed In Forma Pauperis, shows he possesses funds sufficient to pay the \$5.00 filing fee in the instant cause.

Therefore, based upon the independent examination of the record in this case and the examination of the Report and Recommendation of the Magistrate Judge, as well as the objections and Response filed by petitioner, the District Judge is of the opinion petitioner's objections should be, and hereby are, OVERRULED. The District Judge is of the further opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, petitioner's motion to proceed *in forma pauperis* is DENIED, and the petition for a writ of habeas corpus filed by petitioner is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

ENTERED this 23rd day of September 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE